

REMARKS

Claim 22 is currently pending in the application. Claims 1 through 21 have been canceled. Claim 22 has been amended. Support for the amendments to claim 22 may be found, for example, on pages 8 and 9 of the specification.

Objections - Specification

The specification has been objected to as reciting a co-pending application, 09/518,165, which allegedly incorporates essential material by reference as it itself allegedly incorporates essential material by reference. The specification has also been objected to for amendments made to pages 2 and 4 via the amendments of 10/27/04 and 11/8/04, which allegedly incorporate new matter. Applicants have amended the specification to return it to its original wording, thus rendering the objections moot.

Reconsideration and withdrawal of the objections is respectfully requested.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph (New Matter)

Claim 22 has been rejected as allegedly containing subject matter which is not described in the specification.

Specifically, various limitations of claim 22 have been rejected as having no descriptive support in the specification. Applicants respectfully draw the Examiner's attention to pages 8 and 9 as well as the Examples of the specification, which provide support for the limitations of claim 22. Claim 22 is mechanical in nature, and thus has a lower written description threshold that does not require *ipsis verbis* support for the limitations. However, Applicants have amended claim 22 to recite "bibulous strip" rather than "porous strip" and "tagged antibody" rather than "binding agent," as supported on pages 8 and 9.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claim 22 has been rejected as allegedly indefinite.

Specifically, it is alleged that claim 22 is vague, indefinite and confusing in the limitations “the mobilized binding agent” and “the labeled binding agent.” Applicants respectfully urge that the amendments to claim 22 render this rejection moot.

It is further alleged that claim 22 lacks proper antecedent basis in the limitation “complexes” in line 10. Applicants respectfully urge that the amendment replacing “complexes” with “the complexes” in line 10 render the rejection moot.

Further, claim 22 has been rejected as vague and indefinite in the limitation “a portion of the complexes,” because it is allegedly unclear what constitutes “a portion of the complexes.” Applicants respectfully urge that the amendments to claim 22 render this rejection moot.

Claim 22 has also been rejected because it is allegedly unclear how the “antibodies immobilized” in line 11 and line 15 differ from each other and their immunospecificity is not clear. Applicants respectfully urge that the amendments to claim 22 render this rejection moot.

Claim 22 has been rejected as indefinite and confusing in the limitations relating to the location of the zones along the test strip, and also as indefinite and confusing in the limitation “the downstream zone” due to two earlier recitations of a downstream zone. Applicants respectfully urge that the amendments to claim 22 render these rejections moot.

Further, claim 22 has been rejected as indefinite and confusing in the limitations “non-bound complexes” at lines 13, 15 and 16. The term “non-bound complexes” refers to any complexes not bound to the at least one scrub zone.

Finally, claim 22 has been rejected as vague and indefinite in not reciting in line 1 of the claim the purpose or objective of the claimed “method comprising” the recited steps. Applicants respectfully urge that the amendments to claim 22 render this rejection moot.

Reconsideration and withdrawal of the rejections is respectfully requested.

Conclusion

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Attorney would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,
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